



Federal Communications Commission
Washington, D.C. 20554

May 12, 2016

DA 16-533

Small Entity Compliance Guide

Review of the Emergency Alert System

Report and Order

FCC No. 15-60

PS Docket No. 04-296

Released June 3, 2015

This Guide is prepared in accordance with the requirements of Section 212 of the Small Business Regulatory Enforcement Fairness Act of 1996. It is intended to help small entities—small businesses, small organizations (non-profits), and small governmental jurisdictions—comply with the new rules adopted in the above-referenced FCC rulemaking docket. This Guide is not intended to replace the rules and, therefore, final authority rests solely with the rules. Although we have attempted to cover all parts of the rules that might be especially important to small entities, the coverage may not be exhaustive. As a result, in any civil or administrative action against a small entity for a violation of a rule or rules, the content of the Small Entity Compliance Guide may be considered only as evidence of the reasonableness or appropriateness of proposed fines, penalties or damages. This Guide may, perhaps, not apply in a particular situation based upon the circumstances, and the FCC retains the discretion to adopt approaches on a case-by-case basis that may differ from this Guide, where appropriate. Any decisions regarding a particular small entity will be based on the statute and regulations.

In any civil or administrative action against a small entity for a violation of rules, the content of the Small Entity Compliance Guide may be considered as evidence of the reasonableness or appropriateness of proposed fines, penalties or damages. Interested parties are free to file comments regarding this Guide and the appropriateness of its application to a particular situation; the FCC will consider whether the recommendations or interpretations in the Guide are appropriate in that situation. The FCC may decide to revise this Guide without public notice to reflect changes in the FCC's approach to implementing a rule, or to clarify or update the text of the Guide. Direct your comments and recommendations, or calls for further assistance, to the FCC's Consumer Center:

1-888-CALL-FCC (1-888-225-5322)
TTY: 1-888-TELL-FCC (1-888-835-5322)
Fax: 202-418-0232

Objectives of the Proceeding

In this *Sixth Report and Order*, we strengthen the Emergency Alert System (EAS) by establishing specific operational standards for use during future tests and actual emergencies. In particular:

- We adopt “six zeroes” (000000) as the national location code pertaining to every state and county in the United States, and we require EAS Participants to use equipment capable of processing this location code;¹
- We require that EAS Participants’ equipment be capable of processing a National Periodic Test (NPT) event code for future nationwide EAS tests to bring consistency to the operation of EAS equipment in future national, regional, state and local activations;²
- We require EAS Participants to file identifying information and information about the performance of their EAS equipment on the day of the next nationwide EAS test in an Electronic Test Report System (ETRS) that has been constructed to be a practical, accessible, and minimally burdensome tool for recording EAS dissemination data and developing an FCC Mapbook that can illustrate the manner in which an EAS alert is propagated throughout part or all of the United States;³ and
- We require EAS Participants to comply with minimum accessibility rules, in order to ensure that EAS visual messages are readable and accessible to all members of the public, including by displaying the EAS visual message at the top of the television screen or where it will not interfere with other visual messages; in a font size, color, contrast and location and crawl speed that is readily readable and understandable; that does not contain overlapping lines of EAS text or extent beyond the viewable display (except for video crawls that intentionally scroll on and off of the screen); and in full at least once during the EAS message.⁴

Steps a Small Entity Must Take to Comply With The Final Rules

The *Sixth Report and Order* requires EAS Participants to update their EAS equipment to comply with our national location code and NPT code rules twelve months from the rules’ effective date.⁵ It also requires EAS Participants to update their EAS equipment to comply with our visual

¹ See 47 C.F.R. § 11.31(f).

² See 47 C.F.R. §§ 11.51(m), (n); 11.52(e); 11.54(a).

³ See 47 C.F.R. §§ 11.21; 11.61(a)(3). The Commission is currently developing ETRS, but it has not yet been launched. See *Public Safety and Homeland Security Bureau Provides Information on Implementation of EAS Test Reporting System*, Public Notice, DA 16-419 (PSHSB Apr. 18, 2016) (*ETRS Implementation PN*) for more information.

⁴ See 47 C.F.R. § 11.51.

⁵ EAS provides the President, as well as state and local government alert originators, with the ability to send critical alerts and warnings to the public over broadcast, cable, and other media communications facilities. Under the Commission’s rules, EAS Participants must receive and retransmit EAS alerts initiated by the President. In addition, EAS Participants may receive and retransmit EAS alerts issued by other government agencies on a voluntary basis.

crawl accessibility rules six months from the rules' effective date. Further, the *Sixth Report and Order* requires EAS Participants to complete the identifying information initially required by the ETRS filing requirement within sixty days of the launch of ETRS, and to update their identifying information concurrent with any update to their State EAS Plans. It requires EAS Participants to complete the “day of test” portion of their filing obligation within 24 hours of the next nationwide test, and the remainder of their filing obligation within forty-five days of the next nationwide test.⁶

In the event that small entities face unique circumstances with respect to these rules, such entities may request waiver relief from the Commission.

Recordkeeping Requirements

The *Sixth Report and Order* requires EAS Participants to complete the identifying information initially required by the Electronic Test Reporting System filing requirement within sixty days of the launch of ETRS, and to update their identifying information concurrent with any update to their State EAS Plans (*e.g.*, legal name of EAS Participant, EAS Participant type, transmitter/headend location, EAS designation). It requires EAS Participants to complete the “day of test” portion of their filing obligation within 24 hours of the next nationwide test, and the remainder of their filing obligation within forty-five days of the next nationwide test.

Internet Links

https://apps.fcc.gov/edocs_public/attachmatch/FCC-15-60A1.pdf (Sixth Report and Order)

<https://www.gpo.gov/fdsys/pkg/FR-2015-12-22/pdf/2015-32034.pdf> (Federal Register Summary of the Sixth Report and Order)

⁶ The purpose of the first nationwide EAS test was to allow FEMA and the Commission to assess how the broadcast-based, national EAS architecture would perform in practice, and to develop and implement any necessary improvements to ensure that the national EAS, if activated in a real emergency, would perform as designed. FEMA has scheduled the next nationwide EAS test for September 2016.